

Exhibit A

Over

PS

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CORDIS CORPORATION,

Plaintiff,

v.

ADVANCED CARDIOVASCULAR SYSTEMS,  
INC., GUIDANT CORPORATION,  
MEDTRONIC AVE, INC., BOSTON  
SCIENTIFIC CORPORATION, and SCIMED  
LIFE SYSTEMS, INC.,

Defendants.



CASE NO. 97-550-SLR  
(Consolidated)

LITIGATION CALENDAR

JUN 8 1999

FULWILLER, P.A.  
LEE & CHAPMAN

**THIRD AMENDED COMPLAINT  
AND DEMAND FOR JURY TRIAL**

Plaintiff Cordis Corporation ("Cordis"), for a third amended complaint against defendants Advanced Cardiovascular Systems, Inc., Guidant Corporation, Medtronic AVE, Inc., Boston Scientific Corporation, and Scimed Life Systems, Inc., alleges as follows:

**JURISDICTION AND VENUE**

1. Plaintiff Cordis is a corporation organized and existing under the laws of the State of Florida and having principal places of business at 40 Technology Drive, Warren, New Jersey and at 14201 N.W. 60th Avenue, Miami Lakes, Florida.

2. Upon information and belief, Advanced Cardiovascular Systems, Inc. ("ACS") is a corporation organized and existing under the laws of the State of California and having its principal place of business in California. ACS is doing

business in this district in that it offers products for sale in this district, including, but not limited to, the infringing products at issue in this case.

3. Upon information and belief, Guidant Corporation ("Guidant") is a corporation organized and existing under the laws of the State of Indiana and, on its own and through its control of ACS, conducts business in this judicial district, including, offering the infringing products for sale within this district.

4. Upon information and belief, Medtronic AVE, Inc. ("AVE") is a corporation organized and existing under the laws of the State of Delaware and having its principal place of business in California. AVE conducts business in this district in that it offers products for sale in this district, including but not limited to, the infringing products at issue in this case.

5. Upon information and belief, Boston Scientific Corporation ("BSC") is a corporation organized and existing under the laws of the State of Delaware and having its principal place of business in Massachusetts and on its own and through control of Scimed Life Systems, Inc. ("Scimed"), conducts business in this judicial district in that it offers products for sale in this district, including, but not limited to the infringing products at issue in this case.

6. Upon information and belief, Scimed Life Systems, Inc. ("Scimed") is a corporation organized and existing under the laws of the State of Minnesota and having a principal place of business in Minnesota. Scimed is a wholly owned subsidiary of BSC. Scimed conducts business in this district in that it offers products for sale in this district, including, but not limited to, the infringing products at issue in this case.

7. This action arises under the patent laws of the United States, Title 35, United States Code. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

8. Venue is proper in this District under 28 U.S.C. § 1391(b) and (c) and § 1400.

**AS AND FOR A FIRST CAUSE OF ACTION**

(Patent Infringement)

9. Plaintiff Cordis repeats and re-alleges each and every allegation of paragraphs 1 through 8 above as though fully set forth herein.

10. United States Letters Patent No. 4,733,762, entitled "Expandable Intraluminal Graft, and Method and Apparatus for Implanting an Expandable Intraluminal Graft" ("the '762 patent") issued on April 26, 1988. Reexamination Certificate B1 4,733,762 on the '762 patent issued on October 27, 1998. A true and correct copy of the '762 patent is attached as Exhibit A and a true and correct copy of Reexamination Certificate B1 4,733,762 is attached as Exhibit B.

11. United States Letters Patent No. 5,102,417 entitled "Expandable Intraluminal Graft, and Method and Apparatus for Implanting an Expandable Intraluminal Graft" ("the '417 patent") issued on April 7, 1992. A true and correct copy of the '417 patent is attached as Exhibit C.

12. United States Letters Patent No. 5,195,984 entitled "Expandable Intraluminal Graft" ("the '984 patent") issued on March 23, 1993. A true and correct copy of the '984 patent is attached as Exhibit D.

13. United States Letters Patent No. 5,902,332 entitled "Expandable Intraluminal Graft" ("the '332 patent") issued on May 11, 1999. A true and correct copy of the '332 patent is attached as Exhibit E.

14. Cordis has received an assignment of and holds all rights, title and interest to the '762, '417, '984 and '332 patents, including the right to recover all damages for past infringement.

15. The statutory notice requirements have been given for all licensed stents manufactured and sold under the '762, '417 '984 and '332 patents.

16. ACS and Guidant are infringing claims 23, 51, 52 and 54 of the '762 patent, claims 17 and 25 of the '417 patent, and claims 13 and 17 of the '332 patent by making, using, offering for sale, and/or selling within the United States and/or importing into the United States stents (including but not limited to the Multi-Link, Duet and Mega-Link stents) for implantation in human vessels and arteries as claimed in the '762, '417 and '332 patents, and/or are inducing or contributing to such infringement in violation of 35 U.S.C. § 271.

17. AVE is infringing claims 23, 51, 52 and 54 of the '762 patent, claims 17 and 25 of the '417 patent, claims 1 and 3 of the '984 patent, and claims 1, 3 and 5 of the '332 patent by making, using, offering for sale, and/or selling within the United States and/or importing into the United States stents (including but not limited to the Micro-Stent II, GFX and Bridge stents) for implantation in human vessels and arteries as claimed in the '762, '417, '984 and '332 patents and/or inducing or contributing to such infringement in violation of 35 U.S.C. § 271.

18. BSC and Scimed are infringing claims 23, 51, 52 and 54 of the '762 patent, claims 17, 18, 25 and 26 of the '417 patent, and claims 22 and 24 of the '332 patent by making, using, offering for sale, and/or selling within the United States and/or importing into the United States stents (including but not limited to the NIR and NIRoyale stents) for implantation in human vessels and arteries as claimed in the '762, '417 and '332 patents in violation of 35 U.S.C. § 271.

19. Cordis has been, and continues to be, damaged by all defendants' infringement of the '762, '417 and '332 patents and by AVE's infringement of the '984 patent.

20. Upon information and belief, ACS, Guidant and AVE have willfully infringed the '762, '417 and '332 patents, and in addition, AVE has willfully infringed the '984 patent and BSC and Scimed have willfully infringed the '332 patent.

WHEREFORE, plaintiff Cordis Corporation ("Cordis") demands judgment against Advanced Cardiovascular Systems, Inc. ("ACS"), Guidant Corporation ("Guidant"), Medtronic AVE, Inc. ("AVE"), Boston Scientific Corporation ("BSC"), and Scimed Life Systems, Inc. ("Scimed") for:

a. An order and decree that defendants ACS and Guidant have infringed claims 23, 51, 52 and 54 of United States Letters Patent No. 4,739,762 ("the '762 patent"), claims 17 and 25 of United States Letters Patent No. 5,102,417 ("the '417 patent") and claims 13 and 17 of United States Letters Patent No. 5,902,332 ("the '332 patent");

b. An injunction prohibiting ACS and Guidant from infringing the '762, '417 and '332 patents;

c. An order and decree that defendant AVE has infringed claims 23, 51, 52 and 54 of the '762 patent, claims 17 and 25 of the '417 patent, claims 1 and 3 of United States Letters Patent No. 5,195,984 ("the '984 patent") and claims 1, 3 and 5 of the '332 patent;

d. An injunction prohibiting AVE from infringing the '762, '417, '984 and '332 patents;

e. An order and decree that defendants BSC and Scimed have infringed claims 23, 51, 52 and 54 of the '762 patent, claims 17, 18, 25 and 26 of the '417 patent and claims 22 and 24 of the '332 patent;

f. An injunction prohibiting BSC and Scimed from infringing the '762, '417 and '332 patents;

g. An award of damages adequate to compensate Cordis for defendants' infringement of the '762, '417, '984 and '332 patents;

h. An order adjudging and decreeing that ACS, Guidant and AVE have willfully infringed the '762, '417 and '332 patents and that AVE has willfully infringing the '984 patent and that BSC and Scimed have willfully infringed the '332 patent.


i. An award of attorneys' fees and costs of suit; and

j. Such other and further relief as this Court deems just and appropriate.

JURY DEMAND

Plaintiff Cordis hereby demands trial by jury on all issues triable to a jury.

ASHBY & GEDDES

  
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Dated: June 1, 1999  
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